




EXHIBIT B

FILED IN OFFICE
CLERK OF STATE COURT
BARROW COUNTY, GEORGIA
21-SV-000076
ROBERT M. GARDNER JR.
SEP 16, 2021 02:35 PM
  
Janie Jones, Clerk
Barrow County, Georgia

IN THE STATE COURT OF BARROW COUNTY
STATE OF GEORGIA

MARIE DORISCAR,

Plaintiff,

v.

BENEFIT TRUCKING, INC.,
CAROLINA CASUALTY
INSURANCE COMPANY, and
SHAIN FORD,

Defendants.

CIVIL ACTION: 21-SV-000076

JURY TRIAL DEMANDED

DEFENDANTS BENEFIT TRUCKING, INC., CAROLINA CASUALTY
INSURANCE COMPANY, AND SHAIN FORD'S ANSWER TO PLAINTIFF'S
COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW Defendants Benefit Trucking, Inc., Carolina Casualty Insurance Company, ¹ and Shain Ford, by and through its counsel of record, and hereby answer Plaintiff's Complaint, as follows:

FIRST DEFENSE

No act or omission on the part of Defendants caused or contributed to the Plaintiff's alleged injuries and damages and, therefore, Plaintiff is not entitled to any recovery from Defendants.

¹ Carolina Casualty Insurance Company appears specially and without submitting itself to the jurisdiction of the Court and specifically reserves all objections to deficiency of service of process.

SECOND DEFENSE

Defendants state that the proximate cause of Plaintiff's alleged injuries and damages are unrelated to the subject accident, in whole or in part, and/or may have been due to the actions, omissions or negligence of a person or persons other than Defendants, for whom Defendants are in no way liable. Therefore, Plaintiff is not entitled to recover from Defendants.

THIRD DEFENSE

Defendants contest the damages and injuries which are being asserted in this action and demand strict proof thereof.

FOURTH DEFENSE

Any recovery by Plaintiff should be reduced in proportion to the comparative fault of Plaintiff and others.

FIFTH DEFENSE

By the exercise of ordinary care, Plaintiff could have avoided the accident that forms the basis of her Complaint.

SIXTH DEFENSE

If Plaintiff suffered or sustained any loss, injury, or damage, any such loss, injury, or damage was directly and proximately caused and/or contributed to by the acts, omissions, carelessness, and/or negligence of Plaintiff, thereby completely barring Plaintiff's recovery herein.

SEVENTH DEFENSE

Carolina Casualty Insurance Company should be dismissed due to insufficient service of process.

EIGHTH DEFENSE

Defendants reserve the right to rely upon any of the affirmative or additional defenses to the claims asserted by Plaintiff to the extent that such defenses are supported by information developed through discovery or evidence at trial.

NINTH DEFENSE

Defendants now respond to the specifically delineated portions of Plaintiff's Complaint as follows:

PARTIES, JURISDICTION, AND VENUE

1.

Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 of Plaintiff's Complaint; as such, these allegations are denied.

2.

Defendants admit the allegations contained in Paragraph 2 of Plaintiff's Complaint.

3.

Defendants admit the allegations contained in Paragraph 3 of Plaintiff's Complaint.

4.

Defendants do not contest that the State Court of Barrow County, Georgia has jurisdiction over Defendant Ford in this matter. Defendants do not contest that the State Court of Barrow County, Georgia is a proper venue as to Defendant Ford.

5.

Defendants admit that, on the date of the subject accident, Benefit Trucking, Inc. was a foreign corporation existing under the laws of the State of Illinois with its principal place of business in the State of Illinois. Defendants admits that Benefit Trucking, Inc. can be served in accordance with the laws of the State of Georgia. Defendants do not contest that the State Court of Barrow County, Georgia has jurisdiction over Benefit Trucking, Inc. in this matter. Defendants deny all remaining allegations contained in this Paragraph.

6.

Defendants admit that Plaintiff was traveling on State Route 211 on September 6, 2019. Defendants deny all remaining allegations contained in this Paragraph.

7.

Defendants admit that Defendant Ford was traveling on State Route 211 at the same time as Plaintiff. Defendants admit that Defendant Ford made a left turn onto Interstate 85. Defendants deny all remaining allegations contained in this Paragraph.

8.

Defendants deny the allegations contained in Paragraph 8 of Plaintiff's Complaint.

9.

Defendants deny the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10.

Defendants deny the allegations contained in Paragraph 10 of Plaintiff's Complaint.

11.

Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 11 of Plaintiff's Complaint and, as such, they are denied.

12.

Defendants deny that Defendant Ford negligently operated his vehicle. Defendants deny that they are liable to Plaintiff. Defendants deny all remaining allegations contained in this Paragraph.

13.

Defendants admit that Defendant Ford was an independent contractor leased to Defendant Benefit Trucking, Inc. and was acting within the scope of that lease at the time of the subject collision. Defendants deny all remaining allegations contained in this Paragraph.

14.

Defendants admit the allegations contained in Paragraph 14 of Plaintiff's Complaint.

15.

Defendants admit the allegations contained in Paragraph 15 of Plaintiff's Complaint.

16.

Defendants deny the allegations contained in Paragraph 16 of Plaintiff's Complaint.

17.

Defendants admit the allegations contained in Paragraph 17 of Plaintiff's Complaint.

18.

Defendants admit the allegations contained in Paragraph 18 of Plaintiff's Complaint.

19.

Defendants deny as stated the allegations contained in Paragraph 19 of Plaintiff's Complaint.

20.

Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 20 of Plaintiff's Complaint and, as such, they are denied.

21.

Defendants admit the allegations contained in Paragraph 21 of Plaintiff's Complaint.

22.

Defendants admit the allegations contained in Paragraph 22 of Plaintiff's Complaint.

23.

Defendants admit the allegations contained in Paragraph 23 of Plaintiff's Complaint.

24.

Defendants deny that Plaintiff is entitled to recover from them the relief requested in the "Wherefore" paragraph or any other relief.

25.

Any allegation not responded to above is hereby denied by Defendants.

WHEREFORE, Defendants pray that:

- (1) Plaintiff's Complaint be dismissed in its entirety;
- (2) All costs of this litigation be paid by Plaintiff;
- (3) If any triable issue of fact exists, Defendants request that they be granted a jury trial by a twelve (12) person jury as provided by law; and
- (4) Any other relief that this Court deems just and proper be granted.

This 16th day of September, 2021.

NALL & MILLER, LLP

By: /s/ Tina Cheng

MICHAEL D. HOSTETTER

Georgia Bar No. 368420

TINA CHENG

Georgia Bar No. 198248

***ATTORNEYS FOR DEFENDANTS
BENEFIT TRUCKING, INC., CAROLINA
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SHAIN FORD***

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CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing **DEFENDANTS BENEFIT TRUCKING, INC., CAROLINA CASUALTY INSURANCE COMPANY, AND SHAIN FORD'S ANSWER TO PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL** has been electronically filed with the Clerk of Court using the Georgia Judicial System electronic filing system (Peach Court), regarding the above matter and statutory electronic service via email to counsel of record as follows:

J. Blair Craig
WOOD CRAIG & AVERY, LLC
3520 Piedmont Road, NE
Suite 280
Atlanta, GA 30305
E-Mail: blair@woodcraig.com

This 16th day of September, 2021.

NALL & MILLER, LLP

By: /s/ Tina Cheng
MICHAEL D. HOSTETTER
Georgia Bar No. 368420
TINA CHENG
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